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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,232	06/05/2006	David Loupia	FR920030069US1	3810
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HOFFMAN WARNICK LLC			RECEK, JASON D	
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ALBANY, NY 12207				
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hoffmanwarnick.com

Office Action Summary	Application No. 10/596,232	Applicant(s) LOUPIA, DAVID	
	Examiner JASON RECEK	Art Unit 2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is in response to the amendment filed on November 5th 2009.

Status of Claims

Claims 1-8 are pending, of which claim 4 is currently amended.

Response to Arguments

1. Applicant's arguments, see pg. 6, with respect to the abstract/spec objection have been fully considered and are persuasive. The objection of the specification has been withdrawn.

2. Applicant's arguments (pg. 6-7) with respect to the 101 rejection have been fully considered but they are not persuasive. Applicant asserts a "network" includes hardware components. This is not persuasive. A wireless network does not require physical network cables. The term "network" as used in the art is very broad and one of ordinary skill in the art would not be able to determine what was included or required. Therefore since claim 4 does not recite any physical hardware elements (i.e. processor, memory) the claim can be interpreted as consisting entirely of software. Software per se is not patentable subject matter.

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3. Applicant's arguments (pg. 7-8) with respect to the 103 rejection have been fully considered but they are not persuasive. Applicant asserts:

a. That the office action was deficient and did not point out where Butterworth or Lewontin teach certain limitations (pg. 7). This argument is not persuasive however the rejection has been amended to better help applicant's understanding. The office action clearly indicated that Butterworth did not explicitly disclose certain features (i.e. sending back a message with a header, for redirection). The office action cited Lewontin for disclosing such features (see pg. 4 of office action dated 8/6/09). Certain portions of the claim were omitted for brevity (responding to the client from a web service point associated with said old address) because a cursory review of Butterworth (abstract, Figs. 1, 4) clearly reveals a response being sent to a client. Lewontin also teaches this (Fig. 3). If a response was not sent to a client there would be no message exchange in the first place. In a later portion of the claim ellipsis were used to shorten the action. Normally when ellipsis are used, the material not quoted is still considered as being taught by the reference. The detailed rejection below has been expanded upon (entire claim reproduced) for further clarification.

b. Lewontin does not teach "message exchange protocol", but instead only discloses HTTP (pg. 7-8). This is not persuasive. Lewontin does teach HTTP (paragraph 44) however in the same paragraph also teaches SOAP which is a message exchange protocol. Therefore, Lewontin discloses "wherein the header using said message exchange protocol" as recited by claim 1.

c. The office action does not address the “checker” recited in claim 4. This argument is persuasive, however the rejection is upheld. Butterworth and Lewontin both teach using SOAP and disclose a “checker” as discussed in the detailed rejection below. Furthermore, the “checker” is not defined by the claim but rather merely followed by intended use limitations identified by the words “adapted to”. Thus any SOAP system could be considered to have a “checker” as used in claim 4 since the “checker” does not actually perform any procedures or consist of any hardware. See MPEP 2106 concerning the term “adapted to”.

Claim Rejections - 35 USC § 101

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 4-6 and 8 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Regarding claim 4, it is directed to a system however it does not recite any physical hardware elements. The “checker” as recited by claim 4 can be construed as consisting entirely of software. A “network” does not necessarily consist of hardware. Since the claim covers an embodiment that is purely software, it is not a “system” and thus it is not patentable subject matter. Claims 5-6 and 8 are rejected based on their dependency.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butterworth et al. US 2004/0133656 A1 in view of Lewontin US 2005/0071419 A1.

Regarding claim 1, Butterworth discloses "redirecting a request for a web service in a data transmission network" (paragraph 45), "forwarding a request from the client to an old address of said web service" (paragraphs 13, 44), "responding to the client from a web service point associated with said old address" response sent from web service (Fig. 4) and "forwarding a second request from the client to the new address of said web service" (paragraph 58).

Butterworth does not explicitly disclose "sending back a message with a header, wherein the header using said message exchange protocol contains a redirection to a new address" however this is taught by Lewontin as including a web service address in a header as a SOAP message (paragraph 44). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Butterworth to include the address passing feature of Lewontin for the purpose of redirecting web service

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requests. Lewontin suggests that by doing so web services can be provided from mobile devices (paragraphs 9-11).

Regarding claim 2, Butterworth discloses "new address ... is logged by said host" as storing an address in the form of a WSDL file (paragraphs 13-14).

Regarding claim 3, the combination of Butterworth and Lewontin does not explicitly disclose "said redirection is a SOAP header tag", however Butterworth does disclose using SOAP (Fig. 4). It would have been obvious to one of ordinary skill in the art at the time of the invention use a header tag for redirection. The SOAP specification provides header blocks. Redirecting requests is disclosed by the references. Thus naming a header tag redirect would have been obvious since that is the purpose of the message. This is similar to relaying a SOAP message, when doing so the SOAP specification provides for a header block that is aptly named relay.

Regarding claim 4, it is a system claim that corresponds to claim 1, those corresponding parts (web service, address redirection, response message) are rejected for similar reasons. Butterworth also discloses "a checker in a SOAP runtime" as software for passing SOAP messages (Fig. 4, paragraphs 37, 44-45). The message is analyzed/checked (paragraph 38).

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Regarding claims 5-6, they are system claims that correspond to the method of claims 2-3 and thus are rejected for similar reasons.

Regarding claim 7, Butterworth discloses "HTTP" (paragraph 11).

Regarding claim 8, it corresponds to claim 7, thus it is rejected for similar reasons.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Matsumura US 2004/0194011 A1 discloses SOAP is a message exchange protocol (paragraph 47).

Birrell et al. US 5,805,803 discloses a checker to check requests/redirects (Fig. 1, col. 3 ln. 45-46).

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON RECEK whose telephone number is (571)270-1975. The examiner can normally be reached on Mon - Fri 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason Recek/
Examiner, Art Unit 2442
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**/Asad M Nawaz/
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